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10/630,069	07/30/2003	Tazwell L. Anderson JR.	20973-20	9455

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EXAMINER	
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ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/630,069	ANDERSON ET AL.	
	Examiner	Art Unit	
	NGOC K. VU	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,5,6,9,11,13,20,22,23 and 26-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,5,6,9,11,13,20,22,23 and 26-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/19/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 2/8/2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 26-30, 35, 40, 41, 2, 5, 6, 9, 11, 13, and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Particularly, the feature "having an input to permit the user to select, **for storage** in the device, **a user-designated portion of the video content from the selected one of the plurality of cameras"** recited in claim 26 was not described in the original specification. Emphasis added.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 23, 31, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Burg et al. (US 6,782,238 B2).

Regarding claim 31, Burg teaches a portable wireless handheld device (e.g., electronic device 100 - see figures 1A-1B) to be used at an a local event by a user while watching the local event live (col. 2, lines 45-49; col. 5, lines 6-8, 21-23; col. 8, lines 64-65), the portable wireless handheld device comprising:

a receiver (138) to receive video content transmitted wirelessly to the receiver, the video content being generated by a plurality of cameras located at the local event, the video content relating to the local event (col. 4, lines 22-28, 30-32, and 41-49; col. 5, lines 30-39);

an optics system that, when directed toward the local event, provides binocular functionality to produce magnified video content (device 100 comprises pairs of binoculars) separate and independent from the video content produced by the plurality of cameras and received by the receiver (see col. 2, lines 61-62; col. 6, lines 28-35; col. 4, lines 41-49);

a user interface (selectors 112) having inputs to permit a user to select the video content from at least one of the plurality of cameras and the magnified video content from the optics system (col. 2, lines 60-62; col. 3, lines 5-9; col. 4, lines 40-45; col. 6, lines col. 6, lines 28-35);

a processor (126) selectably operated by a user to select video content from at least one of the plurality of cameras (col. 3, lines 26-28; col. 4, lines 40-45); and

a display (130, 134) to display video content from at least one of the plurality of cameras selected by the user and to display the magnified video content from the optics system, wherein the receiver is configured to receive the video content while at the local event and where the local event is occurring, thereby permitting the user to carry the portable wireless handheld device about the local event and choose where to view the video content selected by the user while roaming at the local event during the local event (col. 2, lines 45-53 and 60-62; col. 7, lines 30-38; col. 4, lines 12-19 and 40-45; col. 5, lines 21-29 and 40-62; col. 6, lines 29-35; col. 8, lines 64-67).

Regarding claim 23, Burg teaches a user input selectably operable by a user to control the images and sounds provided to the display and audio system (to adjust the volume for audio output and contrast and/or brightness for visual output - see col. 3, lines 9-14).

Regarding claim 32, Burg teaches a portable wireless handheld device (e.g., electronic device 100 - see figures 1A-1B) to be used at-an a local event by a user while watching the local event live (col. 2, lines 45-49; col. 5, lines 6-8, 21-23; col. 8, lines 64-65), the portable wireless handheld device comprising:

a receiver (138) to receive video content transmitted wirelessly to the receiver, the video content being generated by a plurality of cameras located at the local event, the video content relating to the local event (col. 4, lines 22-28, 30-32, and 41-49; col. 5, lines 30-39);

a digital camera (within device 100), provided in the handheld housing, for capturing at least one of images and video (col. 6, lines 54-60; col. 2, lines 65-66);

a processor (126) selectably operated by a user to select video content from at least one of the plurality of cameras (col. 3, lines 26-28; col. 4, lines 40-45);

a user interface (selectors 112) having inputs to permit a user to select the video content from at least one of the plurality of cameras, the user interface having inputs to operate the digital camera (col. 3, lines 5-9; col. 4, lines 40-45; col. 6, lines 56-60);

a display (130, 134) to display video content from at least one of the plurality of cameras selected by the user, wherein the receiver is configured to receive the video content while at the local event and where the event is occurring, thereby permitting the user to carry the portable wireless handheld device about the local event and choose where to view the video content selected by the user while roaming at the event during the local event (col. 2, lines 45-53; col. 7, lines 30-38; col. 4, lines 12-19 and 40-45; col. 5, lines 21-29 and 40-62; col. 8, lines 64-67); and

the processor operating in a plurality of modes, wherein the plurality of modes comprises each of a video viewer mode and a digital camera mode (since device 100 provides functions of viewing video/media and capturing images by the digital camera - see col. 3, lines 26-28; col. 4, lines 41-49; col. 6, lines 56-60; col. 7, lines 36-37).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (US 6,782,238 B2) in view of Dowling (US 20020052965 A1).

Burg fails to teach that the processor is configured to provide conditional access to the event content based on upon a unique access code. However, Dowling teaches that a mobile unit comprises access control feature such that user is asked to supply a password to protect from the scenario where the mobile unit is stolen and falls into the wrong hands (see 0104, 0122, 0094). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Burg by including conditional access based on upon a unique access code, e.g., password, as taught by Dowling in order to increase security to operate the device.

8. Claims 33, 34, 36-39, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (US 6,782,238 B2) in view of Ng (US 20030204630 A1).

Regarding claim 33, Burg teaches a portable wireless handheld device (e.g., electronic device 100 - see figures 1A-1B) to be used at a local event by a user while watching the local

event live (col. 2, lines 45-49; col. 5, lines 6-8, 21-23; col. 8, lines 64-65), the portable wireless handheld device comprising:

a handheld housing (see figure 1A);

a receiver (138), provided in the handheld housing, to wirelessly receive live local event-related video content, the live local event-related video content being generated by a plurality of cameras located at the local event and relating to the local event, wherein the receiver is configured to receive the live local while at the local event and where the local event is occurring, thereby permitting the user to carry the portable wireless handheld device about the local event and choose where to view the live local video content while roaming at the local event during the local event (col. 4, lines 22-28, 30-32, and 41-49; col. 5, lines 30-39; col. 2, lines 45-53; col. 7, lines 30-38; col. 4, lines 40-45; col. 5, lines 21-29 and 40-62; col. 8, lines 64-67);

a digital camera (within device 100), provided in the handheld housing, for capturing at least one of images and video (col. 6, lines 54-60; col. 2, lines 65-66) ;

a user interface (selectors 112), provided on the handheld housing, having inputs to permit a user to select the live local event-related video content, the user interface having inputs to operate the digital camera (col. 3, lines 5-9; col. 4, lines 40-45; col. 6, lines 56-60);

a display (130, 134), the display displaying the live local event-related video content when selected by the user, the display displaying the at least one of images and video captured by the digital camera when selected by the user (col. 2, lines 45-53; col. 7, lines 30-38; col. 4, lines 12-19 and 40-45; col. 5, lines 21-29 and 40-62; col. 8, lines 64-67; col. 6, lines 53-60); and

a processor (126), provided in the handheld housing, to control operation of the display based on inputs from the user through the user interface (col. 3, lines 5-9 and 27-29; col. 4, lines 12-19).

Burg teaches that the receiver of the electronic device wirelessly receives live events (see col. 2, lines 45-55; col. 4, lines 24-30). It is noted that Burg teaches the feature of allowing a user to select desirable media via selectors (see col. 3, lines 8-10). Burg does not explicitly teach the receiver receives live remote-event-related video content generated at a remote event and relating to the remote event, the remote event occurring simultaneously with the local events, the remote event occurring at a venue remote from the local event, the display displaying the live remote event-related video content when selected at the user interface. However, Ng teaches providing presentations from multiple simultaneous sources, e.g., live events from multiple simultaneous sources and locations to viewers (see 0007, 0012, 0014, 0017). It is noted that the feature of live events from multiple simultaneous sources and locations encompasses the live events from multiple locations and sources occurring simultaneously. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Burg by receiving live events from multiple locations and sources occurring simultaneously as taught by Ng in order to provide different live programs to viewers to increase value of entertainment. It further would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Burg by displaying the selected one of live events from multiple simultaneous sources and locations in order to provide viewers the desired live programs selectively.

Regarding claim 34, Burg teaches that wherein the processor operates in a plurality of modes, wherein the plurality of modes comprises each of a video viewer mode, a binocular viewer mode, a digital camera mode and a camcorder mode (the device 100 comprises many different functions of binoculars, camera, and video camera for viewing the media and capturing images - see col. 2, lines 57-67; col. 3, lines 26-28; col. 4, lines 41-49; col. 6, lines 29-35 and 56-60; col. 7, lines 10-12 and 36-37).

Regarding claims 36 and 37, Burg teaches that the receiver of the electronic device wirelessly receives live events (see col. 2, lines 45-55; col. 4, lines 24-30). It is noted that Burg teaches the feature of allowing a user to select desirable media via selectors (see col. 3, lines 8-10). Burg does not explicitly teach the receiver receives live remote-event-related video content generated at a remote event and relating to the remote event, the remote event occurring simultaneously with the local events, the remote event occurring at a venue remote from the local event, the display displaying the live remote event-related video content when selected at the user interface. However, Ng teaches providing presentations from multiple simultaneous sources, e.g., live events from multiple simultaneous sources and locations to viewers (see 0007, 0012, 0014, 0017). It is noted that the feature of live events from multiple simultaneous sources and locations encompasses the live events from multiple locations and sources occurring simultaneously. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Burg by receiving live events from multiple locations and sources occurring simultaneously as taught by Ng in order to provide different live programs to viewers to increase value of entertainment. It further would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Burg by displaying the selected one of live events from multiple simultaneous sources and locations in order to provide viewers the desired live programs selectively.

Regarding claims 38, 39, 42, and 43, both Burg and Ng teaches that the live events are sporting events (see Burg: col. 2, lines 45-47 and col. 5, lines 1-8; Ng: 0014). Burg as modified Ng teaches providing live events from multiple sources and locations (0007, 0012, 0014, 0017). Both do not explicitly teach the events constitute a common type of sporting event or football games. Official Notice is taken that broadcasting sporting events such as football games is well

known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Burg and Ng by providing football games to allow viewers to watch different games as desired.

9. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (US 6,782,238 B2) in view of Yoshida (US 7,268,810 B2).

Burg teaches that the electronic device comprises digital camera for capturing images of the event (see col. 2, lines 65-67; col. 6, lines 53-60). Burg does not explicitly teach that the camera comprising a charge coupled device to provide a zoom capability. However, Yoshida teaches that a digital camera comprises a zoom lens containing digital still camera that employs a charge coupled device to provide a zoom function for both optical and electronic zooming (col. 8, lines 48-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify camera of Burg by having a charge coupled device as taught by Yoshida in order to provide a zoom function for both optical and electronic zooming.

10. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (US 6,782,238 B2) in view of Ng (US 20030204630 A1) and further in view of Yoshida (US 7,268,810 B2).

Burg teaches that the electronic device comprises digital camera for capturing images of the event (see col. 2, lines 65-67; col. 6, lines 53-60). Burg does not explicitly teach that the camera comprising a charge coupled device to provide a zoom capability. However, Yoshida teaches that a digital camera comprises a zoom lens containing digital still camera that employs a charge coupled device to provide a zoom function for both optical and electronic zooming (col. 8, lines 48-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify camera of Burg by having a charge coupled device as taught by Yoshida in order to provide a zoom function for both optical and electronic zooming.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGOC K. VU whose telephone number is (571)272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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NGOC K. VU
Primary Examiner
Art Unit 2623

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